1 2	EDMUND G. BROWN JR., Attorney General of the State of California THOMAS S. LAZAR		
3	Supervising Deputy Attorney General MATTHEW M. DAVIS, State Bar No. 202766 Deputy Attorney General 110 West "A" Street, Suite 1100 San Diego, CA 92101		
4			
5	P.O. Box 85266		
6 7	San Diego, CA 92186-5266 Telephone: (619) 645-3141 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
9	BEFORE THE RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11			
12	In the Matter of the Statement of Issues Against:	Case No. 1H-2008-138	
13	SHARICE LOVETTE POMPEY 16665 Sirbarton Way	OAH No.	
14	Moreno Valley, CA 92551	STIPULATION FOR ISSUANCE OF LICENSE AND PUBLIC	
15	Respondent.	REPRIMAND	
16			
17		ACREPRIA 11 and a distribution	
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the		
19	above-entitled proceedings that the following matters are true:		
20	<u>PARTIES</u>		
21	1. Stephanie Nunez (Complainant) is the Executive Officer of the		
22	Respiratory Care Board of California, Department of Consumer Affairs (Respiratory Care		
23	Board). She brought this action solely in her official capacity and is represented in this matter by		
24	Edmund G. Brown Jr., Attorney General of the State of California, by Matthew M. Davis,		
25	Deputy Attorney General.		
26	2. Respondent Sharice Lovette Pompey (Respondent) is representing herself		
27	in this proceeding and has chosen not to exercise her right to be represented by counsel.		
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3. On or about February 22, 2008, the Respiratory Care Board of California (Board) received an application for a Respiratory Care Practitioner License from respondent. On or about September 25, 2008, the Respiratory Care Board denied the application. On or about November 6, 2008, respondent requested a hearing on the denial of her application for an unrestricted Respiratory Care Practitioner License.

# JURISDICTION

4. On December 16, 2008, Statement of Issues No. 1H-2008-138 was filed before the Respiratory Care Board, Department of Consumer Affairs, and is currently pending against respondent. A true and correct copy of the Statement of Issues and all other statutorily required documents were properly served on respondent on December 16, 2008. A true and correct copy of Statement of Issues No. 1H-2008-138 is attached as exhibit A and incorporated herein by reference as if fully set forth herein.

## ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and fully understands the charges and allegations in Statement of Issues No. 1H-2008-138. Respondent has also carefully read, and fully understands the effects of this Stipulation for Issuance of License and Public Repreimand.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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### **CULPABILITY**

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 1H-2008-138.

9. Respondent agrees that her application for a Respiratory Care Practitioner License is subject to denial and she agrees to be bound by the Respiratory Care Board's imposition of discipline as set forth in the Disciplinary Order below.

# **CONTINGENCY**

Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent. By signing the stipulation, respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

#### OTHER MATTERS

- 11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

#### NON-COMPLIANCE WITH ORDER

13. In the event respondent fails to comply with the terms of this Stipulation for Issuance of License and Public Reprimand, such failure shall be deemed a violation of Business and Professions Code section 3750, subdivision (g), and the Board, after giving notice

1	and the opportunity to be heard, may take additional disciplinary action against respondent.		
2	DISCIPLINARY ORDER		
3	IT IS HEREBY ORDERED that respondent SHARICE LOVETTE POMPEY,		
4	shall be issued a Respiratory Care Practitioner License which is publicly reprimanded by the		
5	Respiratory Care Board of California. This document shall constitute the formal public		
6	reprimand. The Board agrees to issue a license and respondent agrees to the following terms and		
7	conditions:		
8	A. No further violation of the law will occur; and		
9	B. She shall pay to the Board costs of investigation and prosecution of this		
10	matter in the amount of \$3,160.00. This amount shall be paid in quarterly increments within 12		
11	months of the effective date of this decision.		
12	<u>ACCEPTANCE</u>		
13	I have carefully read this Stipulated Settlement and Disciplinary Order. I		
14	understand the stipulation and the effect it will have on my Respiratory Care Practitioner license.		
15	I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and		
16	intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.		
17	DATED: <u>February 25, 2009</u> .		
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19	Original signed by: Sharice Lovette Pompey		
20	Respondent		
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**ENDORSEMENT** The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board. DATED: February 13, 2009 EDMUND G. BROWN JR., Attorney General of the State of California THOMAS S. LAZAR Supervising Deputy Attorney General Original signed by:
MATTTHEW M. DAVIS Deputy Attorney General Attorneys for Complainant DOJ Matter ID: SD2008803001 pompey\_s\_stip\_rep.wpd 

# BEFORE THE RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. 1H-2008-138

SHARICE LOVETTE POMPEY 222 E. Sharon Road Redlands, CA 92374 OAH No.

Respondent.

## **DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, as its Decision in this matter.

This Decision shall become effective on May 14, 2009.

It is so ORDERED April 30, 2009.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT PRESIDENT, RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA